

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 11, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Matt Johnson, County Attorney; Ben Sautter, Road Supervisor; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Terry Murphy, Paul Anderson, Greg Murray, Dennis Foreman

REPORTS

Receipt of Clerk and Recorder fees report for September.

Receipt of September expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

- 10/11 Public meeting regarding Infrastructure Study - Montana City - 5:00 - 9:00
- 10/13 Tri-Co Fire - Helena - 9:00
Elkhorn Working Group - 3:30
- 10/17 Museum Board dessert meeting - 5:00
- 10/18 Fire Council - Jefferson City - 6:30
Public meeting regarding Montana Tunnels - Clancy - 7:00

COMMISSION REPORTS

MTAG

Commissioner Lythgoe reported that he attended a MTAG prep meeting at the Elkhorn Inn on Thursday. They did a run-through of the power point presentations.

ROAD MEETING

Commissioner Lythgoe reported that the Commission met with Ben Sautter that morning. They discussed upcoming projects and the need for additional summer help. Commissioner Notbohm stated that they also discussed bridges, and Ben is finding some that need work.

ROADLESS MEETING

October 11, 2005 minutes.wpd

Commissioner Weber reported that he has been calling people regarding the roadless meeting scheduled for the 25th. He has a feeling that there will be a good turnout.

WEED/MOSQUITO BUILDING

Commissioner Notbohm stated that the concrete for the building is being poured that day.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Commissioner Notbohm stated that regarding road issues and granting variances, South Hills Drive always pops into his mind when this comes up. He asked what they are going to do about this, the road is not going to get any better. Commissioner Weber asked if there has been any progress on this. Commissioner Lythgoe stated that, apparently, statute does not allow counties to combine RMDs any longer. Jefferson County needs to notify our residents and Lewis and Clark will notify their residents. This will pass in Jefferson County, but it may not in Lewis and Clark. It may come back to what Dr. Kehr originally suggested; that they just do the Jefferson County portion. He wants to get this wrapped up before winter. What he is going to suggest, if it fails in Lewis and Clark County, is that Jefferson County get an encroachment permit for the Lewis and Clark portion and require that the RMD maintain it.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - MILLIGAN CANYON ESTATES MAJOR

Harold stated that the Commission had heard the Findings of Fact and Conditions of Approval the previous week. The decision was tabled due to a question regarding the road leading to the subdivision. Harold stated he has further researched this, talked to MACo attorneys and people associated with impact fees, and he has concluded that this is an exaction fee based on health, safety and welfare.

Commissioner Weber asked the developer if he had gotten input from his partners on this. Greg Murray stated that they have discussed this with their engineer, and based on the estimate and the advise of council, they cannot accept the responsibility of a dedicated county road. He stated that, based on what the Commission decides, they will respond. Commissioner Lythgoe stated that they have discussed this, and he can't believe that they didn't know before the previous Wednesday morning that subdivision regulations and county policy allow them to require a developer to upgrade a county road. He stated that Ben has come up with a possible solution.

Ben stated that the portion of Cottonwood that belongs to the county is narrow and hilly, and will need some upgrades to deal with the expected increase in traffic. He stated that there will be millings available from a project MDT is doing on I-90. He has considered putting some millings on Cottonwood to save the county maintenance. To do that however, the road will need to be upgraded. Ben stated that if the developer could widen the road and get it to a certain standard, the county could come in at a later date and put millings down. This would make road maintenance easier for the county. Commissioner Lythgoe stated that it would also be better for the developer to have a hard surface road to the development. Commissioner Weber asked if this would also be better from a safety standpoint. Ben stated that the road definitely needs to be

wider and the hill taken down. With the expected traffic count, something needs to be done. Commissioner Weber noted that future development in the area is also likely. Ben agreed that it is his understanding that there are other parcels in the area for sale. Commissioner Lythgoe stated that if the Commission makes the decision that the developer is required to develop the road to accept millings and widen it to 32 feet, the County would also chip seal the road within a year. He asked Ben if he had any figures on the cost of preparing a 32-foot wide road to receive millings versus the cost of building a 24-foot wide road with gravel to county standards. Ben stated that he hasn't run the numbers, but he feels that the native material is sufficient for a milling base. He stated that the cost for the amount of gravel needed for a 24-foot wide road is probably pretty close, but he is not prepared to make an estimate. Commissioner Notbohm stated that he is not opposed to this, but everyone needs to be aware of the time frames. He is aware that Ben is first in line for the millings, but there could be time between when the road is fixed and the millings are ready to put down.

Commissioner Lythgoe stated that he feels a 32-foot wide road would be safer than what is currently there. Ben stated that the only exception is that the native material on the road can get greasy, and noted that there is currently some gravel on the road. Commissioner Notbohm agreed that a couple inches of gravel would be better than leaving the road bare. Commissioner Lythgoe stated that all the conversations with MDT indicate that the I-90 job will happen next summer and that millings will be available.

Commissioner Weber asked what the current maintenance level is on Cottonwood, and what it would be after the upgrade. Ben stated that he didn't look at the maintenance level per se, but whenever there is a blade in the area, usually a couple times a year, it goes on all of the roads. He can't see that this will change.

Dennis asked how thick the millings would be. Ben stated that 12 inches would be put down. Dennis stated that he agrees with Ben; there needs to be something on that road surface. He would propose that road construction be held off until the highway project begins. That road can't be left bare. Commissioner Lythgoe asked how long they estimate it would take to build the road. Dennis stated that he thought it could be completed in two weeks. They would like to start on the interior roads this fall, and maybe bond out Cottonwood for next spring. Commissioner Lythgoe asked Dennis how he feels about this concept. Dennis stated that he feels if they don't have to haul gravel, it would be a big savings, and it certainly would be better for all involved. Commissioner Notbohm stated that timing is essential; when the millings come, they come fast. The county can stockpile them, but then we would have to haul them. Commissioner Weber stated that the contractor to do the millings can certainly let the County know two weeks in advance. Commissioner Lythgoe stated that the problem is that, based on his experience, they can begin milling when the roads are still frozen. Commissioner Weber stated that it would be better to wait for the millings. Ben stated that they don't want to leave greasy roads, but a couple inches of gravel should tide things over until the millings are in. He would rather not wait until spring for the road to be prepared; the time frame is too iffy. Commissioner Lythgoe asked if the whole road is a problem, or only sections of it. Ben stated that he is not sure what is under the gravel, or why it is where it is.

Commissioner Weber asked Harold if the Commission grants preliminary plat approval with the

condition that the developer prepare the road for millings, would the one year time frame still stand or would they be able to stipulate a different time frame. Harold stated that usually there is a one year time frame to meet the conditions of approval, but they could do a subdivision improvements agreement with an irrevocable letter of credit for the road.

Commissioner Lythgoe asked, before they make a recommendation, if the engineer has anything else to say. Dennis stated that he did not. Commissioner Notbohm stated, based on what he has seen so far, he would move to deny preliminary plat approval until they have a proposal for upgrading the road they have been discussing. The motion died for lack of a second.

Commissioner Weber moved to grant preliminary plat approval with the condition that the developer work with Ben in preparing Cottonwood Road to prepare it for millings at such a time as MDT does the I-90 project. Commissioner Notbohm seconded for discussion. Commissioner Lythgoe asked Commissioner Weber if he would accept an amendment to the motion. Commissioner Weber agreed that he would. Commissioner Lythgoe amended the motion that if necessary, the developer be allowed to post a bond or letter of credit so that the road could be constructed at a later time. He asked the developer if this will work for them. If the County has the millings in April or May, they really need to have a bond for this. If the developer wants to have the interior roads done this fall, the question is when to do Cottonwood Road, this fall or next spring. If they decide to do it next spring, they will have to bond the road so they can get final plat approval. Commissioner Lythgoe noted that Ben should know in the next week about the time line, and then they should know better at that time if the road should be built this fall or if it can wait until the spring. Harold stated that they can do the bonding and a subdivision improvement when needed; this can be determined prior to final plat approval. Commissioner Lythgoe withdrew his amendment. Matt asked if it is the intention of the Commission to accept the preliminary plat as recommended by the Planning Board; if so, they need to specify this. Commissioner Notbohm stated that his only condition to deny at this time is he feels the need to have the condition up front. The motion failed.

Commissioner Weber moved to grant preliminary plat approval to the Milligan Canyon Estates Major Subdivision as recommended by the Planning Board, with the additional condition of approval that the developers work with Ben in preparing Cottonwood Road adjacent to the subdivision for milling when MDT does the I-90 project. Commissioner Notbohm seconded. He then asked if this needs to go back to the Planning Board so that they can review the new condition. Harold stated that the way it has been done in the past, if the Commission accepts the recommendation of the Planning Board and adds additional conditions, he will draft a revision and get to everyone. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SIGN MODIFICATION #1 TO COLLECTION AGREEMENT BETWEEN JEFFERSON COUNTY AND BEAVERHEAD-DEER LODGE NATIONAL FOREST RE: COSTS OF TITLE TRANSFER OF ELKHORN CEMETERY

Commissioner Weber read the modification. Commissioner Lythgoe asked Commissioner Notbohm if he had any more information on this. Commissioner Notbohm stated that this is a

line item change. The money has already been paid to the Forest Service, and they want to change the designated use of the money. Commissioner Lythgoe asked what the time frame for the transfer is looking like. Commissioner Notbohm stated that it should be by the end of the month. Commissioner Weber moved to sign the modification. Commissioner Lythgoe seconded. The motion carried.

PAUL ANDERSON - DISCUSS AND DECIDE ON ROAD VARIANCE FOR SUBDIVISION

Commissioner Lythgoe stated that this property is part of Crossfire Estates, so this is not a private road. Per the covenants, once more than one person lives on a road, it becomes part of the Crossfire road system. Paul stated that he based his information on the plat, which states that this is a private road. The road in question is Muletrail Road, which is off of Holmes Gulch. Currently, there are three tracts of 20-plus acres and one house on each. He stated that he measured the road, and it is currently 12 feet wide with a 10-11% grade, and a blind corner on a steep grade. Currently, it works well, but he is looking to subdivide his lot, making at most three additional lots. He has spoken to Ben regarding the road standards, and he wants to widen the road to 18 feet and take the grades down; the road would have a 50-foot easement. He based the 18-foot width on the widest part of Holmes Gulch. He would also put down four inches of gravel. He is looking at making the road safer as well as being able to do a minor subdivision. Commissioner Lythgoe asked if there are only three tracts up there. Paul answered that there are. He showed the Commission the plat to reference where the road is.

Commissioner Weber asked Paul why he is asking for a variance before he starts the subdivision process. Paul stated that he just wants to get his ducks in a row; to go further will require an investment on his part. He wants to make sure that this is a viable option before he gets started. Commissioner Weber asked Paul if he would be willing to do more research to find out if this is a private road or a part of the Crossfire road system. Paul stated that he would be. Commissioner Lythgoe stated that he is not sure that it makes any difference. Paul stated that the current road ends at tract C.

Commissioner Lythgoe stated that it appears to him that the grades are greater than 10%. It also appears that it will be pretty difficult to meet road standards, and asking for another variance regarding the width of the road. There is the potential for 16 to 18 homes up there, if everyone subdivides. He asked Ben, as Road Supervisor, if he has a problem with an 18-foot road.

Ben stated that the County has already denied people with that width of road, and noted that the County needs to be consistent. Commissioner Lythgoe stated that looking at flat ground versus steep ground, there is one instance that they can grant a variance. Commissioner Weber stated, to paraphrase the road standards, they can't materially change the purpose. This road is narrow, has less gravel and steep grades; there is quite a bit he hesitates about. Commissioner Lythgoe stated that his concern is, having been on this road, that the road should be as wide as it can be. Commissioner Notbohm stated that the steepness of the road would be his main concern. They can have a wide road, but it just makes a better ski run. They need to consider the potential for further development.

Paul noted that this is an opportunity to make the road better. Unfortunately, the area that is the steepest is also the part that will be the narrowest. Right now, they are just looking at three

additional homes. If his neighbors at some point decide to subdivide, he feels that they will have to come for a variance also.

Commissioner Lythgoe asked if the Commission is ready to make a decision at this time. Commissioner Notbohm stated that he hates to disappoint anyone, but he has a problem with approving this variance. Commissioner Notbohm moved to deny the variance at this time, until such a time that an engineered proposal more in line with county standards is presented. Commissioner Weber seconded. The motion carried. Commissioner Weber asked Paul if he has a copy of the road standards. Paul stated that he does; a problem is that he can guarantee that one landowner will not allow him to go outside of a 50-foot easement.

PUBLIC HEARING - USE OF TITLE III FUNDS

Commissioner Lythgoe called the hearing to order and called for comments on the use of Title III funds for Search and Rescue, Wildland Engine Academy, Youth Forestry Monitoring Program and Tri-County Fire. Hearing no comments, he closed the public hearing.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER